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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.       |
|--|-------------|----------------------|----------------------------------|------------------------|
| 09/993,795   | 11/16/2001  | Phillip Y. Goldman   | 14531.124                        | 8854                   |
| 47973 7590 06/08/2007<br>WORKMAN NYDEGGER/MICROSOFT<br>1000 EAGLE GATE TOWER<br>60 EAST SOUTH TEMPLE<br>SALT LAKE CITY, UT 84111 |             |                      | EXAMINER<br>CHOWDHURY, SUMAIYA A |                        |
|  |             |                      | ART UNIT<br>2623                 | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |  |  |
|------------------------------|---|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/993,795    | <b>Applicant(s)</b><br>GOLDMAN, PHILLIP Y. |  |
|                              | <b>Examiner</b><br>Sumaiya A. Chowdhury | <b>Art Unit</b><br>2623                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 12, 15-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-12, 15-35, and 37-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/07 has been entered.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9, 11-12, 15-35, and 37-38, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7-9, 11, 16-18, 20, 24-26, 28, 30, 32-34 and 37-38, are rejected under 35 U.S.C. 102(e) as being anticipated by Gutta (US 2002/0144259).

As for claim 1, Gutta teaches in a computing device having an associated output device, a method for automatically pausing display of media content in response to an event, comprising the acts of:

as media content is obtained from a content source and displayed by the output device, detecting a first event associated with said other device (telephone), indicating that the output of the media content is to be paused, wherein said first event comprises a telephone related event – (If a telephone call is detected, the content is paused (live pause). – Fig. 2 & Fig. 3, [0016], [0020], [0015]);

in response to detecting the first event (telephone ring), and while maintaining a connection with the content source and continuing to receive media content from the content source, automatically executing an pause operation on the media content such that the display of the media content is modified and can be later restored without loss of continuity of the media output – (In live pause, a command is sent to the receiver to pause the current frame, while at the same time recording content being received such that the user can continue to watch the program from the point he was interrupted. – Fig. 2 & Fig. 3, [0016], [0020], [0015]);) .

As for claims 2 and 20, Gutta teaches wherein the act of detecting the first event comprises the act of detecting a ring signal on a telephone line, and wherein automatically executing the pause operation on the media content comprises automatically pausing the display of the media content when the ring signal is detected on the telephone line –(The corresponding action-item that is performed by the media

player controller in response to the media player controller detecting that the telephone is ringing - [0016], [0020]).

As for claims 7 and 24, Gutta teaches wherein the act of detecting the first event comprises the act of detecting a signal from a device (telephone) associated with a home network – [0016].

As for claims 8 and 9, Gutta teaches wherein the act of detecting the first event comprises the act of detecting a signal from a motion sensor and personal transmitter – (user leaves the room – [0006]; fig. 3).

Claim 11 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 11 additionally discloses the following:

the media content comprises a live television program (Gutta teaches receiving TV programs. TV programs are inclusive of live programs such as sports games.)

Claim 16 contains the limitations of claims 11 and 15, and is analyzed as previously discussed with respect to those claims.

As for claims 17 and 18, Gutta teaches the act of displaying a message associated with detection of the first event and wherein the act of displaying a message (caller ID information) associated with detection of the first event comprises the act of

displaying caller ID data associated with an incoming telephone call – (caller id device 170; [0016]).

Claim 25 contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1. Claim 25 additionally discloses the following which Gutta teaches:

identifying a priority value to be assigned to the event based on priority information stored at the computing device (fig. 2, [0016], [0020]);

applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation to pause the display of the media content (fig. 2, [0016], [0020]);

As for claim 26, Gutta teaches the act of detecting the event comprises the act of determining that a telephone call is being received – [0016].

As for claim 28, Gutta teaches the act of detecting the event comprises the act of receiving information via an input mechanism (telephone) that was established for interrupt sources to inform the interruption engine (processor) that the output of media content is to be interrupted (paused) – [0016], [0020], [0021].

As for claim 30, Gutta teaches the act of receiving data that was registered with the interruption engine by a user, wherein the data defines the set of rules (The user

explicitly specifies the alert threshold for interruption for each event. –[0016], [0020], [0021]).

As for claim 32, Gutta teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the information on which the priority value to be assigned to the event is based ([0021]).

As for claim 33, Gutta teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the rule of the set of rules ([0016], [0020]).

As for claim 34, Gutta teaches wherein the act of applying a rule of a set of rules to the priority value comprises the act of further applying an exception to the rule ([0016], [0020]).

As for claim 37, Gutta teaches carrying computer-executable instructions that, when executed at the computing device, cause the computing device to perform the method as recited in claim 1 ([0016], [0020]).

Claim 38 contains the limitations of claims 1, 11, 16, and is analyzed as previously discussed with respect to those claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 15, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta in view of Abecassis.

As for claims 3 and 21, Gutta fails to explicitly teach the act of detecting the first event comprises the act of detecting an off-hook condition of a telephone.

In an analogous art, Abecassis teaches the act of detecting the first event comprises the act of detecting an off-hook condition of a telephone – col. 52, lines 34-39.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Abecassis, in order to pause the program only if the user picks up.

As for claim 15, Gutta fails to explicitly teach in response to a second event resuming the output of the media content.

In an analogous art, Abecassis teaches in response to a second event resuming the output of the media content – col. 53, lines 25-40.



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Abecassis, in order to have programming resumed after some specified criteria.

As for claim 19, Gutta teaches live pause. In live pause, the stored program is resumed as specified by the system or user. However, Gutta fails to teach in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device.

In an analogous art, Abecassis teaches teach in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device (storage module; col. 52, lines 49-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Abecassis, for the advantage of in order to have programming resumed after some specified criteria.

5. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta and Abecassis in view of Perlman.

As for claim 4, Gutta and Abecassis fail to teach the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone.

In an analogous art, Perlman teaches the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone.— (col. 6, lines 13-16).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Abecassis' invention to include the above mentioned limitations, as taught by Perlman, for the advantage of providing an effective method of determining an off-hook condition.

As for claim 22, Gutta and Abecassis fail to teach wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone.

In an analogous art, Perlman teaches wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone - (Perlman; col. 6, lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta and Abecassis' invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

6. Claim 5, 6, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta as applied to claim 1 above, and further in view of Perlman.

As for 5, Gutta fails to teach wherein the act of detecting the first event comprises the act of detecting a call waiting signal on a telephone line.

In an analogous art, Perlman teaches the act of detecting the first event comprises the act of detecting a call waiting signal on a telephone line – (col. 5, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

As for claims 6 and 23, Gutta fails to teach the act of detecting the first event comprises the act of detecting receipt of an electronic message.

In an analogous art, Perlman teaches the act of detecting the first event comprises the act of detecting receipt of an electronic message – (Perlman; col. 7, line 63 – col. 8, line 6).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta as applied to claim 1 above, and further in view of O'Callaghan (5594492).

As for claim 12, Gutta teaches wherein the act of detecting a first event indicating that the output of the media content is to be modified comprises the act of, as television programming is received from a server and output by the output device, detecting a first event (incoming phone call) indicating that the output of the television programming is to be interrupted ([0016], [0020], [0021]).

However, Gutta fails to teach that the server is a video on demand server.

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include a video on demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta as applied to claim 25 above, and further in view of Perlman.

As for claim 27, Gutta fails to disclose the claimed limitations.

In an analogous art, Perlman teaches the act of detecting the event comprises the act of detecting the receipt of an electronic message – col. 7, line 63 – col. 8, line 7.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include the above mentioned limitation, as taught by Perlman, for the advantage of detecting an event which might be of interest to the user.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta as applied to claim 25 above, and further in view of Block (6,675,384).

As for claim 29, Gutta fails to teach receiving the set of rules in broadcast data encoded in a television signal.

In an analogous art, Block teaches that the label generator (170 – Fig. 2) provides a transmitted information label TIL for transmission with the programs signals. The TIL is used to identify and characterize the content of the audio and video program signals (col. 4, lines 47-52). Based on the TIL encoded in the program signal, the content is either blocked or displayed to the viewer (col. 13, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include receiving the set of rules in broadcast data encoded in a television signal, as taught by Block, for the advantage of having the headend determine what is objectionable or not to the viewer.

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta as applied to claim 25 above, and further in view of O'Callaghan.

As for claim 35, Gutta teaches applying a rule of a set of rules to the priority value (col. 12, lines 7-32). However, Abecassis and Yen fail to teach a video on demand server

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gutta's invention to include a video on demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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